FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NP.3040 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. S.V.Marwadi with S.P.Narkar for the Applicant.

Ms. Usha Tiwari for the Respondent No.2.

Ms.N.M.Mhatre, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 31/1/2006.

P.C.

1. The Advocate for the petitioner states that the evidence of Narayan Lalwani, Joint Manager of the complainant company ought to have been allowed because the evidence of the complainant's witness had clearly indicated that he had no personal knowledge about the payment of Rs.24/-lacs made to M/s. Osnar Chempharm Pvt. Ltd. and the documents in that regard have also not produced. It was pointed out to me that it was in the evidence of P.W.No.2 Mr.Mohan Narayan Sawant an admission has been

elicited that he had no personal knowledge regarding the payment and that Mr. Narayan Lalwani was the concerned person in charge. Statement is made that the applicant would like to examine accused No.2 and their Store Keeper who is said to have been made an endorsement on the delivery challens.

In the circumstances, the petitioner will be entitled to examine the accused No.2 and their Storekeeper Mr.Ram Kumar as defence witnesses and they would also be entitled to examine Mr. Narayan Lalwani as their defence witness if required. Ms. Tiwari, advocate for the respondent No.2 states that she will furnish the last known address of Mr. Narayan Lalwani as per the record of the company to the advocate for the accused when the matter reaches before the trial court tomorrow. Subject to these directions, I think that rejection of the prayer for summoning other witnesses as defence witnesses cannot be faulted. Hence, petition is disposed off.

(R. S. MOHITE, J.)